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November 6, 2007

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Docket Control Center  
Arizona Corporation Commission  
Attn: John Bostwick  
1200 West Washington Street  
Phoenix, Arizona 85007

Arizona Corporation Commission  
**DOCKETED**

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*Re: Docket No. T-20514A-07-0113  
Second Supplement to First Set of Data Requests  
Broadweave Networks of Arizona, LLC*

Ladies and Gentlemen:

Broadweave Networks of Arizona, LLC ("Broadweave" or "Applicant"), by its attorneys, hereby provides this Second Supplement to its responses to Staff's First Set of Data Requests. This supplement provides additional evidence of Broadweave's authority in the states of Texas and Utah, and is submitted pursuant to Staff request.

An original plus thirteen (13) copies of this response are enclosed herewith. An additional copy is also enclosed, to be date-stamped and returned in the postage-prepaid envelope provided.

Respectfully submitted,

  
Jonathan S. Marashlian  
Regulatory Counsel

cc: John F. Bostwick, Administrative Services Officer II,  
Utilities Division (via email - [jbostwick@cc.state.az.us](mailto:jbostwick@cc.state.az.us))

TEXAS

Notice of Approval

**Paul Hudson**  
Chairman

**Julie Caruthers Parsley**  
Commissioner

**Barry T. Smitherman**  
Commissioner

**W. Lane Lanford**  
Executive Director



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PUBLIC UTILITY COMMISSION  
FILING CLERK

## *Public Utility Commission of Texas*

TO: Jonathan S. Marashlian  
Broadweave Networks of Texas, LLC  
8180 Greensboro Dr., Ste. 775  
McLean, VA. 22102

Infrastructure Reliability Division  
Legal Division

RE: **Docket No. 33385 - Application of Broadweave Networks of Texas, LLC for a Service Provider Certificate of Operating Authority**

### **NOTICE OF APPROVAL**

This Notice approves the application of Broadweave Networks of Texas, LLC (the Applicant) filed on October 18, 2006, for a service provider certificate of operating authority (SPCOA) to provide facilities-based, data, and resale telecommunications services within the geographic area of Texas currently served by AT&T Texas, Verizon Southwest, and Texas Windstream, Inc. The docket was processed in accordance with applicable statutes and Commission rules. The Commission provided notice of the application to interested parties. More than 15 days have passed since the completion of notice. No protests, motions to intervene, or requests for hearing were filed. The Applicant and the Commission Staff (Staff) are the only parties to the proceeding. Staff recommends approval of the application. The application is approved.

### **Statutory Findings**

1. The Applicant is a Texas limited liability company formed on July 31, 2006, with authority to transact business in the State of Texas.
2. The Applicant's parent company is Broadweave Networks, Inc.



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3. The Applicant, together with its affiliates, has less than six percent of the total intrastate switched access minutes of use, as measured by the most recent 12-month period as set forth in PURA<sup>1</sup> § 54.153.
4. The name under which the Applicant has requested that the SPCOA be issued does not duplicate a name already being used by an existing SPCOA holder nor is it similar to a name currently being used so as to create confusion.
5. The Applicant has never applied for a permit, license, or certificate to provide telecommunications services in any state other than Texas.
6. Through one of its affiliates, Broadweave Networks of Utah, LLC, the Applicant has authority to provide local exchange services in Utah. The Applicant is in the process of filing for authority to provide local exchange services in Arizona, California, Nevada, and New Mexico.
7. The Applicant's affiliate, Broadweave Networks of Utah, LLC, provides resold and facilities-based local exchange and resold long distance services in the state of Utah.
8. The application complies with PURA § 54.154(b).
9. The Applicant is entitled to approval of this application, having demonstrated the financial and technical qualifications to provide the proposed services, and the ability to provide the necessary quality of service to its customers, as required by PURA §§ 54.154(b) and 54.155(b).

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<sup>1</sup> The Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001 – 66.017 (Vernon 1998 & Supp. 2006) (PURA).

10. The Applicant is not precluded by PURA §§ 54.201 or 54.152 from providing service under an SPCOA.

#### **Complaint History**

11. The Office of the Texas Attorney General reported no complaints registered against the Applicant.
12. A check of the Commission's Customer Protection Division complaint database revealed no complaints registered against the Applicant.
13. A check of the Commission's Enforcement & Investigations database revealed no outstanding notices of violation against the Applicant.
14. The Applicant committed in its responses to the Commission's Service Quality Questionnaire to meet the quality of service standards.

#### **Ordering Paragraphs**

1. The application of Broadweave Networks of Texas, LLC for a facilities-based, data, and resale telecommunications service provider certificate of operating authority (SPCOA) is approved.<sup>2</sup> Broadweave Networks of Texas, LLC is granted SPCOA No. 60770 for the geographic area of Texas currently served by AT&T Texas, Verizon Southwest, and Texas Windstream, Inc.
2. The Applicant shall establish an access line account and submit quarterly reports in compliance with P.U.C. SUBST. R. 26.467 reporting requirements.

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<sup>2</sup> Administrative approval of this uncontested application has no precedential value in a future proceeding.

3. The Applicant shall be bound by requirements of P.U.C. SUBST. R. 26.111. Service under this certificate shall be provided exclusively in the name under which the certificate was granted by the Commission.
4. An SPCOA certificate holder that has not provided service for a period of 12 consecutive months must provide a sworn affidavit to the Commission on an annual basis attesting that they continue to possess the technical and financial resources necessary to provide the level of service proposed in the initial application. An SPCOA certificate holder that has not provided service within 48 months of being granted the certificate by the Commission, may have its certificate suspended or revoked, as defined by P.U.C. SUBST. R. 26.114, after due process, or undergo certification re-qualification. The Applicant shall comply with the above requirements.
5. The Applicant shall file any future changes in address, contact representative, and/or telephone numbers in an annual report with the Commission by June 30<sup>th</sup> of each year in *Annual Information Reporting Requirements for a Service Provider Certificate of Operating Authority and/or a Certificate of Operating Authority*, Project No. 27357. If the SPCOA holder has any change during the year in the information requested in Section One of the annual report form, then the SPCOA holder shall file an updated form correcting the information in Section One within 30 days of the change.
6. The Applicant shall provide a copy of its application and/or the Commission's Notice of Approval, in accordance with the individual entity's requirements, to all affected Commission on State Emergency Communications (9-1-1) entities prior to providing service to those entities.

7. The Applicant's provision of local telephone service to end-users, whether by its own facilities, flat-rate resale, or usage sensitive loop, must also include "9-1-1" emergency telephone service at a level required by the applicable regional plan followed by local telephone service providers under Chapters 771 and 772 of the Texas Health and Safety Code, TEX. HEALTH & SAFETY CODE ANN. §§ 771.001 *et seq.* (Vernon 2003) (the Code) or other applicable law, and any applicable rules and regulations implementing those chapters. The Applicant shall diligently work with the Commission on State Emergency Communications, local "9-1-1" entities, and any other agencies or entities authorized by Chapters 771 and 772 of the Code to ensure that all "9-1-1" emergency services, whether provided through the certificate holder's own facilities, flat-rate resale, or usage sensitive loop, are provided in a manner consistent with the applicable regional plan followed by local telephone service providers under Chapters 771 or 772 of the Code or other applicable law and any applicable rules and regulations implementing those chapters. The Applicant shall diligently work with the "9-1-1" entities to pursue, in good faith, the mutually agreed goal that the local "9-1-1" entities and emergency service providers experience no increase in their current level of rates and, to the extent technically feasible, no degradation in services as a result of the certification granted herein and the involvement of the certificate holder in the provision of "9-1-1" emergency service.
8. The Applicant shall notify all affected 9-1-1 administrative entities at least 30 days prior to activating or using a new NXX in a rate center or upon the commencement of providing local telephone service in any rate center in compliance with P.U.C. SUBST. R. 26.433(d)(3).

9. The Applicant shall execute a separate service agreement with each 9-1-1 entity and remit the required 9-1-1 emergency service fee to the 9-1-1 entity pursuant to such agreement in compliance with P.U.C. SUBST. R. 26.435(e)(4).
10. The Applicant has committed to and is bound by the quality of service requirements set forth in the Quality of Service Questionnaire. The underlying incumbent local exchange companies (ILECs) continue to be bound by the quality of service requirements contained in P.U.C. SUBST. R. 26.54. Approval of the SPCOA application does not expand the scope of the underlying ILEC's obligation to its own customers.
11. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the 27<sup>th</sup> day of November 2006.

PUBLIC UTILITY COMMISSION OF TEXAS

  
\_\_\_\_\_  
ANDREW KANG  
ADMINISTRATIVE LAW JUDGE



# UTAH

## Partial List of Certified Telecommunications Utilities

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## TELECOMMUNICATIONS UTILITIES

ILEC (Incumbent Local Exchange Carrier)

RCC (Radio Common Carrier)

CLEC (Competitive Local Exchange Carrier)

### ILEC

Short for incumbent local exchange carrier.

An ILEC is a telephone company that was providing local service when the Telecommunications Act of 1996 was enacted.

**Albion Telephone Company Inc.**

dba ATC Communications

225 W North St

PO Box 98

Albion ID 83311

Tel - (208) 673-5335

Fax - (208) 673-6200

Web - [www.atccomm.com](http://www.atccomm.com)

Web - [www.atcnet.net](http://www.atcnet.net)

**All West Communications Inc.**

dba All West Communications

50 W 100 N

PO Box 588

Kamas UT 84036-0588

Tel - (435) 783-4361

(888) 292-1414

Fax - (435) 783-4928

Web - [www.allwest.net](http://www.allwest.net)

**Bear Lake Communications Inc.**

35 S State St

PO Box 7

Fairview UT 84629

Tel - (435) 427-3331

(800) 427-8449

Fax - (435) 427-3200

Web - [www.cut.net](http://www.cut.net)

**Beehive Telephone Company Inc.**

2000 E Sunset Rd

Lake Point UT 84074-9779

Tel - (801) 250-6639

(800) 629-9993

Fax - (801) 250-4420  
Web - www.beehive.net

**Carbon / Emery Telecom Inc.**  
455 E Hwy 29  
PO Box 421  
Orangeville UT 84537-0421  
Tel - (435) 748-2223  
Fax - (435) 748-5222  
Web - www.emerytelcom.net

**Central Utah Telephone Inc.**  
35 S State St  
PO Box 7  
Fairview UT 84629  
Tel - (435) 427-3331  
(800) 427-8449  
Fax - (435) 427-3200  
Web - www.cut.net

**CenturyTel of Eagle Inc.**  
100 CenturyTel Dr  
PO Box 4065  
Monroe LA 71211-4065  
Tel - (318) 388-9000  
(800) 562-3956  
Fax - (318) 388-9602  
Web - www.centurytel.com

**Citizens Telecommunications Company of Utah  
dba Frontier Communications of Utah**  
P.O. Box 708970  
Sandy, UT 84070-8970  
Tel - (801) 298-0757  
(888) 340-9545  
Fax - (801) 298-0758  
Web - www.frontieronline.com

**Direct Communications Cedar Valley, LLC**  
150 South Main  
P.O. Box 324  
Rockland, Idaho 83271  
Tel - (208) 548-2345  
Fax - (208) 548-9911  
Web - www.dcdi.net/eaglemtn

**Emery Telephone, dba Emery Telecom**  
455 E Hwy 29  
PO Box 629  
Orangeville UT 84537-0629  
Tel - (435) 748-2223  
Fax - (435) 748-5222  
Web - www.emerytelcom.net

**Farmers Telephone Company Inc.**  
26077 Hwy 666  
PO Box 369  
Pleasant View CO 81331-0369  
Tel - (970) 562-4211  
(877) 828-8656  
Fax - (970) 562-4214  
Web - www.farmerstelcom.com

**Gunnison Telephone Company**

29 S Main St  
PO Box 850  
Gunnison UT 84634-0850  
Tel - (435) 528-7236  
Fax - (435) 528-5558  
Web - [www.gtelco.net](http://www.gtelco.net)

**Hanksville Telecom Inc.**  
455 E Hwy 29  
PO Box 711  
Orangeville UT 84537-0711  
Tel - (435) 748-2223  
Fax - (435) 748-5222  
Web - [www.emerytelcom.net](http://www.emerytelcom.net)

**Manti Telephone Company Inc.**  
34 W Union St  
Manti UT 84642  
Tel - (435) 835-3391  
(877) 835-3391  
Fax - (435) 835-7192

**Navajo Communications Company Inc.**  
**dba Frontier Navajo Communications Co.**  
P.O. Box 708970  
Sandy, UT 84070-8970  
Tel - (801) 298-0757  
(888) 340-9545  
Fax - (801) 298-0758  
Web - [www.frontieronline.com](http://www.frontieronline.com)

**Qwest Corporation**  
250 Bell Plaza Rm 1603  
Salt Lake City UT 84111  
Tel - (801) 237-7200  
(888) 642-9996  
(800) 244-1111 Customer service  
Web - [www.qwest.com](http://www.qwest.com)

**Skyline Telecom**  
35 S State St  
PO Box 7  
Fairview UT 84629  
Tel - (435) 427-3331  
(800) 427-8449  
Fax - (435) 427-3200  
Web - [www.cut.net](http://www.cut.net)

**South Central Utah Telephone Association Inc.**  
**dba South Central Communications**  
45 N 100 W  
PO Box 555  
Escalante UT 84726  
Tel - (435) 826-0225  
Fax - (435) 826-0826  
Web - [www.socen.com](http://www.socen.com)

**UBET Telecom Inc**  
211 E 200 N  
PO Box 398  
Roosevelt UT 84066  
Tel - (435) 646-5007  
(888) 546-8282  
Fax - (435) 646-5011  
Web - [www.ubtanet.com](http://www.ubtanet.com)

**Uintah Basin Telecommunications Association Inc.  
dba UBTA Communications**  
211 E 200 N  
PO Box 398  
Roosevelt UT 84066  
Tel - (435) 646-5007  
(888) 546-8282  
Fax - (435) 646-5011  
Web - www.ubtanet.com

**Union Telephone Company**  
850 N Hwy 414  
PO Box 160  
Mountain View WY 82939  
Tel - (307) 782-6131  
(800) 646-2355  
Fax - (307) 782-6913  
Web - www.union-tel.com

## **RCC (Radio Common Carrier)**

A common carrier engaged in the provision of Public Mobile Service, which is not also in the business of providing landline local exchange telephone service. These carriers were formerly called "miscellaneous common carriers."

**Industrial Communications  
David R Williams dba  
c/o General Telephone**  
1171 S West Temple  
Salt Lake City UT 84101  
Tel - (801) 533-1111

## **CLEC**

Pronounced see-lek. Short for competitive local exchange carrier. A telephone company that competes with an incumbent local exchange carrier (ILEC) such as Qwest Telephone Co.

**1-800-Reconex Inc.**  
2500 Industrial Ave  
PO Box 40  
Hubbard OR 97032  
Tel - (503) 982-8000  
(800) 732-6639  
Fax - (503) 982-9000  
Web - www.reconex.com

**360networks (USA) Inc.**  
867 Coal Creek Circle  
Ste 160  
Louisville CO 80027-4670  
Tel - (303) 854-5000  
(800) 576-1959  
Fax - (303) 854-5100  
Web - www.360.net

**AboveNet Inc.**

fka MFN of Utah LLC  
360 Hamilton Ave  
White Plains NY 10601  
Tel - (914) 421-6700  
(888) 636-2778  
Fax - (914) 421-7688  
Web - www.mfn.com

**ACN Communications Services Inc.**  
32991 Hamilton Court  
Farmington Hills MI 48334  
Tel - (248) 699-4000  
(877) 226-1010  
Fax - (248) 489-5917  
Web www.acninc.com

**All West / Utah Inc.**  
**dba All West World Connect**  
50 W 100 N  
PO Box 588  
Kamas UT 84036-0588  
Tel - (435) 783-4361  
(866) 255-9378  
Fax - (435) 783-4928  
Web - www.allwest.net

**American Fiber Network Inc. dba AFN**  
9401 Indian Creek Pky Ste 140  
Overland Park KS 66210-2005  
Tel - (913) 338-2658  
(800) 864-0583  
Fax - (913) 661-0538  
Web - www.afnlt.com

**American Fiber Systems Inc.**  
100 Meridian Centre Ste 250  
Rochester NY 14618-3979  
Tel - (716) 340-5400  
Fax - (716) 756-1966  
Web - www.americanfibersystems.com

**AT&T Communications of the Mountain States Inc.**  
1875 Lawrence St, Ste 1405  
Denver CO 80202-1847  
Tel - (303) 298-6741  
Fax - (303) 298-6301  
Web - www.att.com

**Bell South Long Distance**  
400 Perimeter Center Terrace Suite 400  
Atlanta, GA 30346-1231  
Tel Res - 888-757-6500  
Tel Bus - 800-228-6075  
Web - www.bellsouth.com

**Broadweave Networks of Utah LLC**  
3940 N Traverse Mountain Bl Ste 100  
Lehi UT 84043-4984  
Tel - (801) 407-6000  
Fax - (801) 407-6005

**BT Communications Sales LLC**  
**aka Concert Communications Sales LLC**  
11440 Commerce Park Dr

UTAH

Report and Order

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In that Matter of the Petition of Broadweave	)	<u>DOCKET NO. 03-2410-01</u>
Networks of Utah LLC for Certificate of Public	)	
Convenience and Necessity to Provide Local	)	
Exchange and Facilities-Based interexchange	)	
Services	)	<u>REPORT AND ORDER</u>

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ISSUED: September 29, 2003

SYNOPSIS

By this Report and Order, the Public Service Commission of Utah (the ACommission@) grants the request of Broadweave Networks of Utah, LLC (AApplicant@) for a Certificate of Public Convenience and Necessity (ACertificate@) authorizing Applicant to provide public telecommunications services within the State of Utah within the service territory of Qwest Corporation. The Commission, having considered the record in this proceeding and the applicable law, hereby makes, adopts, and enters the following Report and Order.

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By the Commission:

PROCEDURAL HISTORY

Broadweave Networks of Utah, LLC (AApplicant@) filed its Application on July 9, 2003, pursuant to Utah Code Annotated ' 54-8b-1.1 *et. seq.*, and Title 63, Chapter 46b of the Utah Administrative Procedures Act. Qwest Corporation, the Incumbent Local Exchange Carrier (AILEC@), sought intervention and stated it took no position on whether Applicant has "sufficient technical, financial, and managerial resources and abilities to provide the public telecommunications services applied for."

The Division of Public Utilities ("DPU") reviewed the Application and supporting materials and submitted a September 5, 2003, Memorandum. In its



Memorandum, the DPU concludes that Applicant has sufficient financial, technical and managerial resources required by Utah Code 54-8b-2.1 and Commission rule. Although the DPU believes the Applicant meets the requirements concerning financial, technical and managerial concerns, it recommends that the Commission schedule a hearing to consider matters raised in its Memorandum.

The DPU raises concerns concerning the willingness and ability of Applicant to interconnect with other carriers and providing access to Applicant's facilities. Applicant has responded to the DPU's concerns and asserts that requiring a greater showing from Applicant, greater than the statutory identified criteria and greater than past Commission practice, would be unwarranted and discriminatory. We recognize that the DPU is attempting to preemptively address potential interconnection issues that may arise in one, limited, geographic area. We agree, however, with Applicant that such issues need not be addressed in proceedings concerning the issuance of the certificate. Utah law is clear that all telecommunications corporations are required to interconnect and make their essential facilities available. Utah Code 54-8b-2.2. A certificate holder is expected to comply with Utah law. The retention of its certificate is affected by its conformity with Utah law. Future disputes on interconnection issues, if they actually arise, may be resolved by the Commission. E.g., Utah Code 54-8b-17.

Applicant has made out a *prima facie* case in support of the Application

Accordingly, the Commission, having been fully advised in the premises, enters the following Report, containing proposed Findings of Fact, Conclusions of Law, and the Order based thereon.

FINDINGS OF FACT

1. Applicant is qualified to do business in Utah.
2. Applicant has requested that the Commission grant a Certificate of Public Convenience and Necessity authorizing it to provide public telecommunications services within the State of Utah within the service territory of Qwest Corporation. .
3. Applicant is proposing to provide facilities-based services.
4. Applicant will utilize its managerial and technical expertise to support its Utah operations.
5. Applicant has sufficient technical resources and abilities to provide the public telecommunications services for which it has applied for a Certificate.
6. Applicant has sufficient managerial resources and abilities to provide the public telecommunications services for which it has applied for a Certificate.
7. Applicant has a secure and sufficient source of funding for its Utah operations

that will enable it to meet projected capital and operating expenses and to implement its business plans.

8. Applicant has sufficient financial resources and abilities to provide the public telecommunications services for which it has applied for a Certificate.

9. In its provision of intrastate services, Applicant will be subject to competition from other certified telecommunications services providers.

10. The issuance of a Certificate to Applicant to provide public telecommunications services is in the public interest.

11. The reporting requirements in Exhibit B attached hereto are in the public interest and should be binding upon Applicant until modified by the Commission.

12. Applicant has applied for exemptions from the requirements of various procedures of the Utah Code and the Commission's Rules and Regulations.

13. The grant of exemptions from the provisions of the Utah Code and the Commission's Rules and Regulations, as set forth in Exhibit B, is in the public interest.

CONCLUSIONS OF LAW

1. It is in the public interest to convert this matter to an informal proceeding,

DOCKET NO. 03-2410-01

-5-

pursuant to ' 63-46b-4(3), UCA 1953, as amended.

2. Applicant meets each of the statutory requirements ( " 54-8b-2.1, *et. seq.*

UCA

1953, as amended) for issuance of a Certificate as a telecommunications corporation.

3. Applicant meets each of the statutory requirements (" 54-8b-2.1, *et. seq.*,

UCA

1953, as amended) for authorization to provide the public telecommunications services for which it seeks a Certificate.

4. The issuance of a Certificate to Applicant to provide the

telecommunications

services for which it has applied is in accord with the legislative policy declarations set forth in Utah Code ' 54-8b-1.1.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

! This matter be, and it is, converted to an informal proceeding pursuant to ' 63-46b-4(3), UCA 1953, as amended.

! The Commission hereby grants Applicant the Certificate that is attached hereto as Exhibit A and by this reference made a part of this Report and Order.

! Applicant shall provide reports to the Commission and to the Division of

DOCKET NO. 03-2410-01

-6-

Public Utilities, Utah Department of Commerce, as set forth in Exhibit B and by this reference made part of this Report and Order.

! Applicant is exempt from certain provisions of the Utah Code and the Commission=s Rules and Regulations, as set forth in Exhibit B.

! As Applicant does not propose to take customer deposits nor provide pre-paid services, the Commission=s bond requirement is waived.

DATED at Salt Lake City, Utah, this 29<sup>th</sup> day of September 2003.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary  
G# 35289

DOCKET NO. 03-2410-01

-7-

EXHIBIT A

-----

In that Matter of the Petition of Broadweave	)	<u>DOCKET NO. 03-2410-01</u>
Networks of Utah LLC for Certificate of Public	)	
Convenience and Necessity to Provide Local	)	
Exchange and Facilities-Based interexchange	)	
Services	)	<u>CERTIFICATE</u>

-----

ISSUED: September 29, 2003

By the Commission:

The Public Service Commission of Utah, pursuant to the Utah Code Ann. " 54-8b-2.1, *et. seq.*, hereby issues a Certificate of Public Convenience and Necessity authorizing UPDATE (AGrantee@) to provide public telecommunications services within the State of Utah, excluding those local exchanges of less than 5,000 access lines of incumbent telephone corporations with fewer than 30,000 access lines in the state.

DATED at Salt Lake City, Utah, this 29<sup>th</sup> day of September 2003.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary

GW 35289

EXHIBIT B

**I. Annual Report**

Grantee shall file an Annual Report, on or before March 31 of each year, unless said grantee requests and obtains an extension. The Annual Report shall contain the following:

**A. Annual Revenues** from operations attributable to the State of Utah by major

service categories. Such information would be provided on a ATotal Utah@ and AUtah Intrastate@ basis. ATotal Utah@ will consist of the total of interstate and intrastate revenues. AUtah Intrastate@ will reflect only revenues derived from intrastate tariffs, price lists, or contracts. Both Total Utah and Intrastate Utah revenues shall be reported according to at least the following classes of service:

- (1) private line and special access,
- (2) business local exchange,
- (3) residential local exchange,
- (4) measured interexchange, and
- (5) vertical services.

Business local exchange, residential local exchange and vertical service revenue

will be reported by geographic area, to the extent feasible.

B. **Annual Expenses and Estimated Taxes** attributed to operations in the State of Utah.

C. **Year End Balances by Account for Property, Plant, Equipment, Annual Depreciation, and Accumulated Depreciation** for telecommunications investment in Utah. The Actual Depreciation Rates which were applied in developing annual and accumulated depreciation figures shall also be shown.

D. **Financial Statements** maintained in accordance with generally accepted accounting principles in the ordinary course of business. These financial statements shall at a minimum include an income statement, balance sheet and statement of cash flows.

E. **List of Services** offered to customers and the geographic areas in which those services are offered. This list shall be current and shall be updated whenever a new service is offered or a new area is served.

F. **Number of Access Lines in Service** by geographic area, segregated between



business and residential customers.

G. **Number of Messages and Minutes of Services** for measured services billed to end users.

H. **List of Officers and Responsible Contact Personnel** updated annually.

I. **Chart of Accounts.** In addition to the foregoing, said grantee will provide its chart of accounts as existing and updated (no less than annually). Said Grantee will also work with the Division in good faith to develop a method of estimating intrastate expenses and investments.

**II. Applicable Statutory Provisions and Exemptions from Statutes and Waiver of Regulations.**

Grantee shall be exempted from the following statutory provisions and regulations:

A. Exemptions from Title 54

54-3-8, 54-3-19	--	Prohibitions of discrimination
54-7-12	--	Rate increases or decreases
54-4-21	--	Establishment of property values
54-4-24	--	Depreciation rates

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54-4-26 -- Approval of expenditures

B. Waivers of Regulations

R746-340-2(D)	--	Uniform System of Accounts (47 C.F.R. 32)
R746-340-2(E)(1)	--	Tariff filings required
R746-340-2(E)(2)	--	Exchange Maps
R746-341	--	Lifeline <sup>1</sup>
R746-344	--	Rate case filing requirements
R746-401	--	Reporting of construction, acquisition and disposition of assets
R746-405	--	Tariff formats
R746-600	--	Accounting for post-retirement

**III. Obligations with Respect to Provision of Services.**

Grantee agrees to provide service within specified geographic areas upon reasonable request and subject to the following conditions:

A. Grantee=s obligation to furnish service to customers is dependent upon

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This regulation would be waived only until the Commission establishes Lifeline rules that may include Grantee or until it begins to provide residential local exchange service.

the availability of suitable facilities on its own network and the networks of underlying carriers. Grantee will provide a map identifying the areas within the state of Utah where it is offering any services. The map will be updated as Grantee serves new areas and no less frequently than annually.

B. Grantee will only be responsible for the operation and maintenance of services that it provides.

#### **IV. Modification**

It is anticipated that to the extent such requirements impact competitive entry or impact effective competition that they will be subject to the rulemaking requirements of the Utah Code Ann. ' 54-8b-2.2 and that the provisions set forth herein shall be superseded by any such rule adopted by the Commission.